



# MONTHLY HIGHLIGHTS

NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION

OCTOBER 1999

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

## ESSENTIAL FISH HABITAT (EFH) COORDINATION

Habitat Conservation Division (HCD) staff is in the process of developing an EFH General Concurrence for the State Programmatic General Permits (SPGPs) administered by the Army Corps of Engineers (ACOE), New England District. The General Concurrence is for those activities that will have no more than minimal adverse impact to EFH both individually and cumulatively. Once the General Concurrence is issued, those covered activities will no longer require an EFH Consultation. However, NMFS is retaining the authority to require an EFH Consultation on a case-by-case basis for those covered actions that may have more than minimal adverse impact to EFH. The General Concurrence has been coordinated with the New England and Mid Atlantic Fishery Management Councils and will soon be published as a public notice in the Federal Register. Additionally, General Concurrences are being developed for the New York District, Philadelphia District, Baltimore District and Norfolk District of the ACOE. (Lou Chiarella, 978/281-9277; Lou.Chiarella@noaa.gov)

## THE GUIDE TO ESSENTIAL FISH HABITAT (EFH) DESIGNATIONS IS ONLINE

The Northeast Regional Habitat Conservation Division web page has been updated to include the Guide to EFH Designations in the Northeast US. The URL address is <http://www.nero.nmfs.gov/ro/doc/hcd.htm>. This guide provides a geographic species list of EFH designations completed by the Fishery Management Councils and NMFS in the Northeastern United States pursuant to the Magnuson-Stevens Act. The guide is designed to provide government agencies and other interested parties with a quick reference to determine the species and life stages of fish, shellfish, and mollusks for which EFH has been designated in a particular area. Using a "point and click" format, it lists the EFH species in selected 10 minute X 10 minute squares of latitude and longitude along the coast. Currently this guide provides a list of the EFH species within an area but does not provide a description of the specific EFH within that area. The actual EFH descriptions, the species habitat preferences and life history parameters are not provided. The Councils' Fishery Management Plans should be referred to for more extensive information regarding EFH whenever necessary. Future additions to this site will include a direct link from the species list to the actual EFH designations provided in the Fishery Management Plans. (Jill Ortiz, 978/ 281-9312 or Lou Chiarella, 978/ 281-9277)

**GARDEN STATE PARKWAY (GSP) WIDENING**

The New Jersey Highway Authority (NJHA) has proposed to widen the GSP between interchanges 30 in Somers Point and 80 in Toms River. Most of the project will occur within the parkway existing right-of-way and would run through 14 municipalities in Ocean, Burlington and Atlantic counties. The NJHA anticipates the addition of one lane to each roadway both in the northbound and southbound directions and increased shoulder width. The bridges over the Millica and Bass Rivers would be replaced or altered. The stated goal of the NJHA is "to build this roadway widening with minimal environmental disturbance while constructing a viable, feasible and aesthetically appealing project blending in with the existing character of the surrounding environment." The purpose and need for the project is based upon traffic congestion relief and traffic safety improvement considerations. Design alternatives are now being reviewed. (Anita Riportella, 732/ 872-3116)

**PATRICK S. AND MONICA MOELLER**

A proposal to reconstruct a marina at Beach Haven Manor in Little Egg Harbor Bay several years after the deteriorated Buoy 77 Marina structures had been removed may not proceed as planned. Although the presence of Submerged Aquatic Vegetation (SAV) is not included on any mapping, HCD staff confirmed the presence of eelgrass (*Zostera marina*) during an August site visit. NMFS' recommendations to the ACOE included the limiting of dock widths to four feet and the mooring of boats only in areas with depths of greater than four feet in order to minimize impacts to the eelgrass. In addition, it became clear at a recent meeting with the applicant, the state of New Jersey, NMFS and ACOE that the state has an unresolved CAFRA (New Jersey's Coastal Area Facilities Review Act) issue associated with this project regarding shoreline development. According to CAFRA, the newly built house that has been constructed on the subdivided old marina property adjacent to the proposed marina, requires that the number of boat slips at a new marina be the same, plus two, to accommodate the new house use and that they be made available for public access. But because the water is shallow in the area of the original footprint of the marina and the navigation channel limits the length of the docks, the number of slips that could be constructed at four foot depths would not satisfy the CAFRA requirements. Also, it would be impossible economically to support a marina operation with so few slips.

The developer is now considering a proposal, which was conceived at the meeting to turn the area over to the town and have a fishing pier and recreation area constructed which would be maintained and funded by the town and a local bank. The state will decide whether or not this would satisfy the CAFRA regulations regarding public access and use.

When the state reviewed this project for CAFRA, it was not aware of the eelgrass habitat and the presence of eelgrass beds at the site because the existing SAV maps are outdated and inaccurate. This situation points to the same issue that was recently raised during the review for the renewal of the GP#19 regarding impacts to unmapped eelgrass beds. In response to this, NMFS is recommending that SAV surveys be performed for GP#19 and other dock and marina applications so that this important resource is better protected. (Anita Riportella, 732/ 872-3116)

**HACKENSACK MEADOWLANDS SPECIAL AREA MANAGEMENT PLAN (SAMP)**

The SAMP Environmental Impact Statement (EIS) Subcommittee resumed its regular meetings following the resolution of several important issues. Further reductions in the proposed fill have been made, and the wetlands fill cap proposed in the Federal Register Notice remains unchanged. Work continues on the

preparation of the final EIS and Record of Decision, although a schedule has not been finalized. **(Karen Greene, 732/ 872-3023 or Stan Gorski, 732/ 872-3037)**

#### **MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE**

The monthly meeting of this advisory group included a discussion of allowing landfill closures to be used as compensation for wetlands fill. The closure of landfills, even those adjacent to wetlands, was never considered as acceptable mitigation for wetlands fill. However, the Hackensack Meadowlands Development Commission (HMDC) has requested that the agencies reconsider this position. There appears to be desire by some to mitigate for improvements in the Port of New York and New Jersey, including filling the open waters of Newark Bay, in the Hackensack Meadowlands. With a SAMP in place in the Meadowlands, there will be limited opportunities for mitigation for wetlands or open water fills taking place out of the Meadowlands, and the HMDC has a great desire to close the many landfills in the Meadowlands. In addition, several individual project applicants are seeking to fund landfill closure as mitigation for their wetlands fill. Other issues discussed included the recommendation to release additional credits at the Marsh Resources Mitigation Bank for the establishment of hydrology and for successful planting, and a review of mitigation sites in the SAMP draft EIS to provide an updated list for the final EIS. **(Karen Greene, 732/ 872-3023)**

#### **NATIONWIDE PERMITS**

Nationally, the comment period for the establishment of several new nationwide permits (NWP) and modifications for several existing permits was extended. HCD staff have reviewed the new and revised NWPs, and staff from the Oxford field office attended a joint Baltimore and Philadelphia District meeting to develop regional conditions which would apply in Maryland, Delaware and New Jersey. HCD staff are scheduling a meeting with the New York District in the near future. Important issues include compliance with the EFH requirements of the Magnuson Stevens Act and the development of conservation recommendations. **(Tim Goodger, 410/ 226-5771; Karen Greene, 732/ 872-3023 or Diane Rusanowsky, 203/ 579-7004)**

#### **SPGP -19**

HCD staff at Sandy Hook reviewed the Philadelphia District ACOE's public notice to revalidate and to extend the expiration date of SPGP-19 for the State of New Jersey. SPGP-19 allows the construction of non-commercial docks, piers and boat lifts, and the reconstruction of serviceable bulkheads within 18 inches of the existing bulkhead. Although the existing SPGP-19 does provide some protection for shellfish and SAV, as currently proposed there may be individual and cumulative impacts to EFH. HCD staff has provided several conservation recommendations. Additional coordination with the Philadelphia District is expected. **(Karen Greene, 732/ 872-3023; Anita Riportella, 732/ 872 -3116 or Stan Gorski, 732/ 872-3037)**

#### **MID-ATLANTIC FEDERAL PARTNERS MEETING**

Stan Gorski and Pete Colosi traveled to US Geological Survey Headquarters in Reston, VA on October 19 to attend the Mid-Atlantic Federal Partners Meeting. The purpose of the meeting, co-chaired by Regions 2 and 3 of the US Environmental Protection Agency (EPA), was to discuss issues of relevance to all federal agencies. Jeanne Fox, Regional Administrator for Region 2, suggested the establishment of interagency committees to address a number of regional concerns. **(Stan Gorski, 732/ 872-3037)**

**OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654**

## **REGIONAL PERMITS**

The Norfolk District ACOE is proposing several state wide Regional Permits (RPs) to be used in lieu of the proposed new and revised Nationwide Permits (NWPs). The Norfolk District has decided that the new and revised NWPs, as proposed and conditioned on the national level, will be too restrictive. The District put the proposed RPs out for comment in a Public Notice dated August 20, 1999. We responded to the notice within the extended comment period with a potential elevation letter on October 7, 1999. We recommended that the District utilize the proposed NWPs rather than the proposed RPs. We further recommended that if the District continued to pursue the RPs, that the limit for non-reporting be set at 1/10 acre and the limit for the RPs before requiring an Individual Permit be one acre. We also recommended a time of year restriction for work in anadromous fish spawning and nursery habitat, and a prohibition of blockages in perennial streams under the RPs. Finally, we informed the Norfolk District that they would have to prepare and submit an EFH Assessment under the Magnuson-Stevens Fishery Conservation and Management Act. The District has responded by telephone to our letter and we have scheduled a meeting with the District for December. **(Rod Schwarm, 410/ 226-5771)**

## **CEDAR RUN WETLAND BANK**

Another entrepreneurial mitigation bank is being proposed in Virginia. This mitigation bank is located off Cedar Run, a tributary of the Potomac River, near the Quantico Marine Corps Base, northern Virginia. The proposed mitigation bank is approximately 308 acres in size and is predominately prior converted cropland farm fields with a small area of riparian forested buffer and existing forested nontidal wetlands. An onsite inspection and meeting of the MBRT was held on October 15, 1999. There are still several details to be worked out in the Banking Instrument and site plan, but it appears that the site is well suited for the proposed wetland restoration. Additional MBRT meetings are planned to work on the plans and Banking Instrument. **(Rod Schwarm, 410/ 226-5771)**

## **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

## **CASTLE-ASTORIA TERMINALS DREDGING PROPOSED**

Staff has been working on project review for a maintenance dredging project proposed in Steinway Creek, a tributary of the East River in Queens County, New York. The site is used by Castle Astoria Terminals Oil Company as a platform for distribution of home heating oil. In the original proposal the applicants were proposing disposal of the dredged material at the Historic Area Remediation Site (HARS) or as a demonstration project at a subaqueous borrow pit in Norton Basin, Jamaica Bay. NMFS has indicated to the ACOE that an EFH Assessment will be required for the project, including species and life stages that may be present at either the dredging or proposed disposal site. In response to comments received during the Public Notice period, the ACOE conducted a public hearing. As described in the original Public Notice, the ACOE and EPA have made the preliminary determination that material dredged from this site is eligible for disposal at the HARS. Transcripts of the Public Hearing have not yet been made available. However, certain private sector environmental interests have publicly expressed their intention to oppose HARS disposal should the ACOE decide to issue authorization for that disposal alternative. **(Diane Rusanowsky, 203/ 579-7004; Diane.Rusanowsky@noaa.gov)**

## **MILLENNIUM PIPELINE UPDATE**

Staff was scheduled to meet this month with the applicant, other State and Federal agencies (including the ACOE, Federal Energy Regulatory Commission, US Fish and Wildlife Service, and the New York State Departments of State and Environmental Conservation) and potentially interested members of the public to

discuss the latest proposal being considered for the Hudson River crossing segment of the subject project. At the request of the applicant, the meeting was postponed and will be rescheduled at a later date to be determined. **(Diane Rusanowsky, 203/ 579-7071; Diane.Rusanowsky@noaa.gov)**

### **NY/NJ HARBOR NAVIGATION STUDY FEASIBILITY REPORT ISSUED**

The Draft Feasibility Report for the New York and New Jersey Harbor Navigation Study and an accompanying DEIS have been released by the New York District ACOE. The document considers a number of Port improvements that would maintain safe navigation for the evolving classes of container and bulk cargoes moving through the Port. The preferred alternative is a mixture of deepening the main channel and support anchorages to 50 feet, the straightening of portions to facilitate vessel movements, and deepening access to four existing terminal areas (Newark Bay, Howland Hook, Port Jersey/Military Ocean Terminal at Bayonne and Bay Ridge/South Brooklyn). The project will require the relocation of approximately 47 million cubic yards of rock, sand, silt and clay. The project has an initial cost of \$1.8 Billion. While the proposal has been well coordinated, several areas of concern to NMFS remain. Chief among them is what deepening of the main channel will mean to circulation and the estuarine nature of the lower Hudson River. Studies performed in the lower Chesapeake and a forthcoming companion effort regarding the lower Hudson indicate that channel deepening alters the hydrodynamic processes of mixing and the chemical environment in an estuary. Read: "The Effects of Channels and Shoals on Exchange between the Chesapeake Bay and the Adjacent Ocean" by Valle-Levinson and Lwiza in the Journal of Geophysical Research, Vol.100, No. C9, pages 18,551 - 18,563, (09/15/95). **(Mike Ludwig, 203/ 579-7004; Michael.Ludwig@noaa.gov)**

### **FIBEROPTIC CABLE PROJECTS PROPOSED**

In line with increasing reliance of the private and public sectors on the Internet and other electronic technologies, various communications companies have begun exploring installation of new cable facilities to provide the necessary capacity for supporting an increasingly complex communications network. The projects range in sophistication from simple stream or wetland crossings proposed by local providers to Trans-Atlantic, international proposals. Almost invariably, the project reviews involve EFH or Endangered Species Act (ESA) considerations. Designation of eelgrass beds as key EFH for summer flounder (and recognition of the importance of that habitat type for other resources of concern) may extend future reviews on a case-by-case basis. While some technologies such as horizontal directional drilling may afford relief, it is important to note that inadvertent releases of drill muds and cuttings may occur, to the detriment of sensitive habitats. In addition, there is a realistic limit to how far a drill string may be deployed. Accordingly, other technologies may be more appropriate in those circumstances. Staff has determined that individual project review, while potentially time-consuming, probably remains an effective tool to ensure that habitat conservation, EFH and ESA goals are met. **(Diane Rusanowsky, 203/ 579-7004; Diane.Rusanowsky@noaa.gov)**

### **LOBSTER DIE-OFF RECEIVES SIGNIFICANT MEDIA ATTENTION**

The recent mortality being experienced by lobsters in Long Island Sound (LIS) has been the subject of significant media attention in recent weeks. Commercial lobstermen have been reporting unusually common landings of lethargic and/or recently dead lobsters in their traps, especially in Western Long Island Sound. A variety of private and public sector organizations have been involved in testing the water and organisms for pathogens or pollution. Others have begun monitoring to determine whether other species appear to be affected (notably crabs and sea urchins) and what portions of LIS appear to be affected. Staff is following the situation in the event that current habitat protection measures we employ in project reviews must be revised to address this problem. **(Diane Rusanowsky, 203/ 579-7071; Diane.Rusanowsky@noaa.gov)**

### **PORT IMPERIAL FERRY TERMINAL**

New York Waterways/New Jersey Transit is engaged in the early stages of a National Environmental Policy Act (NEPA) review for a commercial ferry terminal they wish to develop in Weehawken, New Jersey. This new facility would replace the existing New York Waterways terminal, presently housed on a permanently moored barge. New Jersey Transit is working on light rail links to this location to increase the ferry ridership and relieve pressure off the George Washington Bridge and Lincoln and Holland Tunnels. The Milford Field Office has assumed review and comment responsibilities for this project, which will include EFH, ESA and Fish and Wildlife Coordination Act reviews in addition to NEPA. The project proponents have proposed a scope of work that they wish to use to frame the NEPA and other assessments. Comments on the scope of work and accompanying sampling plans will be provided by Milford as soon as possible. **(Diane Rusanowsky, 203/ 579-7071; Diane.Rusanowsky@noaa.gov)**

### **HUDSON RIVER PARK UPDATE**

The Hudson River Park Trust, which seeks to rehabilitate many of the derelict piers along the lower west side of Manhattan, continues to receive an inordinate amount of attention. The most recent expressions of concern have come from Massachusetts US Senators (Kerry and Kennedy). Their concern appears to be based on a belief that much of the 490 acres of Hudson River habitat within the Park's footprint will be degraded in some manner, causing the displacement of fishery resources that use those habitats. Principal among those species are striped bass and winter flounder. Curiously, a thorough reading of the available information and the State and Federal constraints being placed on the applicants indicate that the proposal has every likelihood of setting a new and positive standard for this type of waterfront use. The proponents have embraced a habitat improvement objective that requires a screening of every element of the Park to ensure that fishery resources receive priority consideration. This includes when Park Managers are looking at the repair or replacement of the piers. The effort also includes the maintenance of mitigation and habitat creation areas for the life of the Park. The finalization of the action on this 5.5 mile long proposal awaits a coordination of the Environmental Assessment and Finding of No Significant Impact statements. **(Mike Ludwig, 203/ 579-7004; Michael.Ludwig@noaa.gov)**

### **CONNECTICUT CONSIDERS BORROW PIT DEMONSTRATION PROJECT**

The refilling of subaqueous borrow pits is to be explored in a unique cooperative effort between the State of Connecticut Department of Environmental Protection and the usual Federal Agencies involved in dredging and dredged material management. The US Coast Guard maintains the channels and berthing areas of Coast Guard Station in New Haven Harbor and has offered to provide the dredged material to refill the adjacent subaqueous borrow pits. The pit was created by mining fill for the creation of the causeway portion of I-95 across the "Long Wharf" area of New Haven. Today, the pit can hold upwards of 1.5 million cubic yards of sediment and still retain the benefits associated with slight depressions on the sea floor. The adjacent community has independently assessed the pits and determined that refilling may reduce local erosion. NMFS researchers have found that the pits are anoxic in the late summer and of reduced biological value during most of the rest of the year. The habitat appears moderately unstable due to the deposition and sediment character within the pits. The project is scheduled for implementation later this fall. **(Mike Ludwig, 203/ 579-7004; Michael.Ludwig@noaa.gov)**